

08-CR-05815-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

JORDAN D. BROWN,)

Defendant.)

NO. CR08-5815

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING
PLAN, AND DIRECTING
DEFENDANT TO TAKE TREATMENT
AS PRESCRIBED

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 14th day of September, 2009 upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his attorney, Phillip J. French, the United States of America being represented by L.A. Anderson, the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Action Counseling, and the files and records herein, being fully advised in the premises, does now make the following:

I. FINDINGS OF FACT

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1 A. On or about the 11th day of July, 2008, Petitioner was charged with the offense
2 charged in the Information. This offense occurred as a direct result of
3 alcoholism/chemical dependency problems;

4
5 B. Petitioner suffers from an alcohol problem and is in need of treatment;

6 C. The probability of similar misconduct in the future is great if the problem is not
7 treated;

8 D. Petitioner is amenable to treatment;

9 E. An effective rehabilitative treatment plan is available to Petitioner through the
10 United States Navy Substance Abuse Rehabilitation Program, an approved treatment
11 facility as designated by the laws of the State of Washington, and Petitioner agrees to be
12 liable for all costs of this treatment program;

13
14 F. That Petitioner agrees to comply with the terms and conditions of the program
15 offered by the treatment facility as set forth in the diagnostic evaluation from Action
16 Counseling, attached to Statement of Petitioner filed herewith, and that Petitioner agrees
17 to be liable for all costs of this treatment program;

18 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and
19 sufficiency of the facts as contained in the written police report attached to Statement of
20 Petitioner filed herewith.

21
22 H. That Petitioner has acknowledged the admissibility of the stipulated facts in any
23 criminal hearing or trial on the underlying offense or offenses held subsequent to
24 revocation of this Order Granting Deferred Prosecution and that these reports will be
25 used to support a finding of guilt;

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1 From the foregoing FINDINGS OF FACT, the Court draws the following :

2 **II. CONCLUSIONS OF LAW**

3 A. That the above-entitled Court has jurisdiction over the subject matter and Petitioner
4 Jordan D. Brown, in this case.

5 B. That Petitioner's Petition for Deferred Prosecution meets the requirements of RCW
6 10.05 et seq.;

7 C. That the diagnostic evaluation and commitment to treatment meets the requirements
8 of RCW 10.05.150;

9 D. That Petitioner is eligible for deferred prosecution.

10 **III. ORDER**

11 Having made and entered the foregoing FINDINGS OF FACT and
12 CONCLUSIONS OF LAW, it is hereby
13

14 ORDERED that the defendant is accepted for deferred prosecution.

15 The prosecution of the above-entitled matter is hereby deferred for five (5) years
16 pursuant to RCW 10.05 et seq., upon the following terms and conditions:

17 A. Petitioner shall be on probation for the deferral period and follow the rules and
18 regulations of probation;

19 B. Petitioner shall enroll in and successfully complete the two-year treatment
20 program recommended by Action Counseling according to the terms and
21 conditions of that plan as outlined in the diagnostic evaluation, a true copy of
22 which is attached to the Petition and incorporated by reference. Petitioner may
23 enroll in the United States Navy Substance Abuse Rehabilitation Program, so long
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1 as the specific program conforms with the terms and conditions of the plan
2 outlined in the diagnostic evaluation attached to the Petition herein. Petitioner
3 shall not change treatment agencies without prior Probation approval;
4

5 C. The treatment facility, United States Navy Substance Abuse Rehabilitation
6 Program, shall file with the United States Probation Office status reports of
7 Petitioner's compliance with treatment, monthly during the first year of the
8 deferred prosecution period and every three (3) months during the second year.
9 The Court may increase the frequency of these reports at its discretion;

10 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change;

11 E. Petitioner shall abstain during the deferred prosecution period from any and all
12 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

13 F. Petitioner shall not operate a motor vehicle on the public highways without a
14 valid operator's license and proof of liability insurance sufficient to comply with
15 the state laws on financial responsibility;
16

17 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related
18 offenses or other criminal offenses during the period of deferral;

19 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested
20 questioned, or cited by Law Enforcement;

21 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or
22 condition of his treatment plan or violates any provision of this Order or any rule
23 or regulation of his probation officer, upon receiving notice, the Court shall hold a
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1 hearing to determine why Petitioner should not be removed from deferred
2 prosecution and prosecuted for the offense charged;

3 J. In the event the Court finds cause to revoke this deferred prosecution, the
4 stipulated police reports shall be admitted into evidence, and Petitioner shall have
5 her guilt or innocence determined by the Court;

6 K. That the statement of Petitioner for Deferred Prosecution shall remain sealed,
7 and all subsequent reports or documents relating to his treatment information shall
8 be sealed, to maintain confidentiality of Petitioner's treatment information;

9 L. That the Department of Licensing be notified of this Order accepting
10 Petitioner for deferred prosecution;

11 M. Upon proof of Petitioner's successful completion of five years deferral period
12 in this Order, the Court shall dismiss the charges pending against Petitioner.


13 N. Additional conditions: _____
14 _____
15 _____
16 _____
17 _____

18 DONE IN OPEN COURT this 14th day of September, 2009.

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21 _____
22 UNITED STATES MAGISTRATE JUDGE
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1 Presented by:

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4 


5 PHILLIP J. FRENCH
6 WSBA NO. 11030
Attorney for Petitioner

7 I have received a copy of the foregoing Order of Deferred Prosecution. I
8 have read and understand the contents, and agree to abide by the terms and
9 conditions set forth herein.

10 Dated: 9/14/09

11 
Jordan D. Brown
Petitioner

12 I certify that a copy of this signed Order was mailed to the subject
13 treatment facility, on September 22, 2009. The United States
14 Probation Office was also furnished a copy of this Order.

15 
16 Clerk

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